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ABSTRACT

This publication summarizes responses to a 1976 survey of state education associations that gathered information on collective bargaining policies and practices affecting noncertificated school employees throughout the United States. A total of 41 state associations responded to the survey. The survey included questions pertaining to state collective bargaining laws, state and local associations' policies on representation of noncertificated employees, collective bargaining for noncertificated employees, and representation of noncertificated employees by organizations other than state and local education associations. (JG)

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EA 008 779

SUMMARY OF STATUS OF COLLECTIVE BARGAINING FOR NON-CERTIFICATED STAFF EMPLOYED BY PUBLIC SCHOOL SYSTEMS

This report is the result of a survey conducted at the request of the NCSEA Professional Negotiations Committee in early 1976.

For purposes of the study, the following definition was used for non-certificated personnel:

"Non-certificated personnel are the school system employees who are not required or expected to have the qualifications for professional certification. The following types of positions are included: teacher aides, school housekeeping staff, secretarial and clerical staff, cafeteria workers, bus drivers, plant and equipment maintenance staff, guards, etc."

Forty-one state associations responded to the survey.

SUMMARY OF STATUS OF COLLECTIVE BARGAINING FOR
NON-CERTIFICATED STAFF EMPLOYED BY PUBLIC SCHOOL SYSTEMS

1. What is your state law on bargaining for local school system employees?

   10 - Bargaining rights are NOT available to local school system employees

   2 - Bargaining rights are available only to certificated or professional employees of school systems

   1 - Bargaining rights are available only to non-certificated employees of school systems

   15 - Bargaining rights are available to all employees but a separate unit is required for certificated staff

   5 - Bargaining rights are available to all employees but the unit determination is left to the local level

   7 - Other

   1 - NR

2. What is your state association policy on the range of local school system employees to be represented in bargaining by affiliated local associations?

   10 - State association does not have a policy on this issue

   6 - State association policy permits local associations to represent only certificated or professional staff

   9 - State association policy permits local associations to individually determine the scope of employee positions to be represented in bargaining

   13 - State association policy permits local associations to represent, or seek to represent, all school system employees in bargaining

   2 - Other

   1 - NR

3.

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS THAT:

(a) Do not have non-certificated employees in the same bargaining unit with teachers

STATE	Have not studied issues about including them	Currently studying issues and alternatives for including them	Have decided not to include them
ALASKA	20	16	4
ARKANSAS	11	2	0
ILLINOIS	400	-	-
INDIANA	-	275	-
IOWA	0	-	315
KANSAS	0	0	0
KENTUCKY	6	-	-
LOUISIANA	64	0	-
MAINE	(few)	(many)	(a number)
MASSACHUSETTS	50	100	200
MICHIGAN	400	100	0
MINNESOTA	435	-	-
MONTANA	120	6	14
NEBRASKA	375	-	-
NEW HAMPSHIRE	-	100	-
NORTH DAKOTA	155	15	-
OKLAHOMA	(all)	0	-
RHODE ISLAND	30	-	-
SOUTH DAKOTA	-	-	(all)

3. (cont'd.)

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS THAT:

(a) Do not have non-certificated employees in the same bargaining unit with teachers

STATE	Have not studied issues about including them	Currently studying issues and alternatives for including them	Have decided not to include them
VERMONT	60-70	10	5
WISCONSIN	350	5-10	-
#1 *	634	-	-
#2 *	60	13	-

*Unidentified state associations reporting.

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS THAT:

(b) Have non-certificated personnel in bargaining unit with teachers

STATE	Probably will continue to include them	May reconsider present policy	Currently dealing with negotiations about scope of bargaining unit
ALASKA	4	-	-
ILLINOIS	10	-	-
IOWA	5	0	0
LOUISIANA	1	-	-
MASSACHUSETTS	25	0	0
MICHIGAN	0	-	200
MINNESOTA	0	0	0
MONTANA	0	6	0
NEW HAMPSHIRE	0	0	1
OKLAHOMA	0	0	0

3. (cont'd.)

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS THAT:

(b) Have non-certificated personnel in bargaining unit with teachers

STATE	Probably will continue to include them	May reconsider present policy	Currently dealing with negotiations about scope of bargaining unit
UTAH	0	0	0
VERMONT	6	5-10	5
WISCONSIN	0	0	0
#? *	2	-	-

*Unidentified state association reporting.

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS THAT:

STATE	(c) Provide bargaining-related services to non-certificated staff but they are in a bargaining unit separate from teachers
ALASKA	6
ARKANSAS	0
COLORADO	1
FLORIDA	3
ILLINOIS	35
IOWA	5
KANSAS	3
MASSACHUSETTS	200
MICHIGAN	50
MINNESOTA	12

3.(cont'd.)

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS THAT:

STATE	(c) Provide bargaining-related services to non-certificated staff but they are in a bargaining unit separate from teachers
NORTH DAKOTA	0
OKLAHOMA	0
RHODE ISLAND	3
UTAH	0
VERMONT	20
WISCONSIN	15
#2*	10

*Unidentified state association reporting.

NUMBER OF AFFILIATED LOCAL ASSOCIATIONS WITH COLLECTIVE BARGAINING AGREEMENTS AND:

(d) Information is not available about the arrangements for bargaining for non-certificated employees: Illinois - 400; Montana - (many); Vermont - 60-70.

TOTALS STATE	Total no. affil. locals having bargaining agreements	Grand total of affil. local associations
ALASKA	24	30
ARKANSAS	13	220
COLORADO	28	185
IDAHO	60-70	97
IOWA	320	455

TOTALS

STATE	Total no. affil. locals having bargaining agreements	Grand total of affil. local associations
KANSAS	-	-
KENTUCKY	6	176
LOUISIANA	2	66
MASSACHUSETTS	362	372
MICHIGAN	537	537
MINNESOTA	20	-
MONTANA	90	140
NEBRASKA	-	375
NEW HAMPSHIRE	30	100
NORTH DAKOTA	170	210
UTAH	12	57
VERMONT	80	47
VIRGINIA	10	130
WISCONSIN	398	400
#1*	438	634
#2*	75	311

*Unidentified state associations reporting.

4. In your opinion, what will be the trend in your state in the numbers of affiliated local education associations which provide bargaining related services for non-certificated employees of public school systems?

1 - Number will decrease

2 - Number will remain about the same

22 - Number will increase

11 - It is not possible to estimate the trend now

5 - NR

5. A. Are non-certificated staff included in the same bargaining unit as are teachers?

7 - Yes

17 - No

17 - NR

B. Compared with the time of year the contract is bargained for teachers, is the contract for non-certificated personnel normally bargained earlier, at the same time, or later?

2 - Non-certificated contract is bargained first

15 - Both contracts bargained at the same time

7 - Contract for non-certificated is bargained after the contract is negotiated for teachers

18 - NR

C. To what extent do local associations coordinate the bargaining for non-certificated personnel with bargaining for teachers?

4 - Great extent

9 - Some extent

11 - Little or no extent

17 - NR

5. D. To what extent do local associations coordinate with other organizations or associations which bargain for non-certificated personnel in the bargaining for non-certificated personnel?

1 - Great extent

7 - Some extent

16 - Little or no extent

17 - NR

6. Which of the following describes the staffing arrangement in your state association for providing bargaining-related services to non-certificated personnel?

5 - One or more staff are assigned to the unique bargaining and organizational interests of non-certificated personnel

13 - State staff handle the interests of non-certificated employees along with the interests of regular teachers

14 - Our state association does not attempt to provide bargaining-related services to non-certificated employees

9 - NR

7. To what extent do you see the following as being problems for a local association in your state if it plans to represent both non-certificated employees and teachers?

a. Reluctance of teachers to allow expansion of membership rights to persons in non-certificated positions

21 - Major problem

10 - Minor problem

4 - Little or no problem

6 - NR

b. Reluctance of non-certificated staff to pay regular amount of membership dues being paid by professional staff

22 - Major problem

11 - Minor problem

1 - Little or no problem

7 - NR

c. Reluctance of teachers to allow full membership rights and privileges to non-certificated staff unless they pay the full amount of dues

28 - Major problem

6 - Minor problem

1 - Little or no problem

6 - NR

d. Difficulties in proving there is a commonality of interest among certificated and non-certificated employees

9 - Major problem

23 - Minor problem

3 - Little or no problem

6 - NR

e. Difficulties in obtaining membership commitments from non-certificated staff

11 - Major problem

20 - Minor problem

3 - Little or no problem

7 - NR

f. Absence of experience with problems of and relatively low rapport with non-certificated staff members by staff who now work with teachers

8 - Major problem

18 - Minor problem

6 - Little or no problem

9 - NR

g. Almost natural orientation of non-certificated staff to affiliation with other unions

8 - Major problem

11 - Minor problem

12 - Little or no problem

10 - NR

h. Likelihood that costs of services to non-certificated staff will exceed the amount they are willing to pay for dues

18 - Major problem

11 - Minor problem

5 - Little or no problem

7 - NR

i. Some subgroups of non-certificated staff are already being represented by another organization

10 - Major problem

16 - Minor problem

8 - Little or no problem

7 - NR

j. Bargaining laws and rulings do not allow certificated and non-certificated staff to be in the same bargaining unit

8 - Major problem

3 - Minor problem

16 - Little or no problem

14 - NR

k. Allocating services and resources to assure that the expansion of the bargaining unit to include non-certificated staff does work to the advantage of teachers

13 - Major problem

14 - Minor problem

3 - Little or no problem

11 - NR

8. It has been suggested that because teacher aides are assigned to classroom duties they should be included in the same bargaining unit with teachers.

   a. They will be less likely to be "scabs"

      15 - Agree

      16 - Tend to agree

      5 - Tend to disagree

      1 - Disagree

      4 - NR

   b. It will allow teachers to control the rate of expansion of teacher aide positions

      12 - Agree

      15 - Tend to agree

      7 - Tend to disagree

      3 - Disagree

      4 - NR

   c. It will prevent teacher aides from being represented by an organization which would service their interests to the possible disadvantage of teachers

      20 - Agree

      11 - Tend to agree

      4 - Tend to disagree

      1 - Disagree

      5 - NR

9. If teacher aides were to be allowed to enroll as active members of the United Teaching Profession, in your opinion, what would be an equitable rate of UTP dues for them?

AMOUNT

15 - Same dollar amount as dues of active members who are regular teachers

11 - An amount which represents the same proportion of the national average teacher aide salary as the proportion of the national average teacher salary which is represented by UTP dues

11 - An amount to be determined after studies of the income, expenses, and estimates of the fiscal implications of the advantages and disadvantages to UTP of having them enrolled as active members

4 - NR

ADJUSTMENT FOR PART-TIME EMPLOYMENT

10 - The dues should be the same for all active members regardless of whether employed full-time or part-time

14 - Persons employed less than full time should pay the equivalent of full-time dues graduated to the proportion of full time the person is employed

14 - Persons employed less than one-half time should pay one-half of the established dues for persons employed full time

3 - NR